

**ORDER GRANTING MOTION FOR RECONSIDERATION
AND VACATING ORDER OF ABSTENTION
AND REPORT AND RECOMMENDATION TO U.S. DISTRICT COURT**

UPON CONSIDERATION of the Trustee's *Motion for Reconsideration of this Court's Memorandum and Order Abstaining from Counts 1-10 of the Adversary Complaint, entered on September 8, 2015* ("Abstention Order"), the *Joint Request of All Parties for Agreed Disposition of Motion for Reconsideration of Order of Abstention*, and the record herein, and for good cause shown, it is hereby

ORDERED, ADJUDGED and DECREED THAT:

1. The Motion for Reconsideration be, and hereby is, **GRANTED**; and further:
2. The Order of Abstention be, and here by is, vacated, and for the reasons set forth in the Order of Abstention it is this Court's Report and Recommendation that the U.S. District Court abstain from considering Counts 1 through 10 of Adversary Complaint and the dismissal without prejudice of Counts 1 through 10 of the Adversary Complaint is conditioned upon and subject to the agreement of all Parties, as reflected in the *Joint Request of All Parties for Agreed Disposition of Motion for Reconsideration of Order of Abstention* regarding the application of statutes of limitations in state court; and further:
3. It is this Court's Report and Recommendation that the U.S. District Court order that the agreement of the Trustee and Defendants regarding the application of the statute of limitations shall be binding upon the Trustee and Defendants in the state court action to be refiled by the Trustee; and further:
4. It is this Court's Report and Recommendation that the U.S. District Court order Counts 1 and 10 of the Adversary Complaint be deemed dismissed without prejudice ten (10) days from the date of entry of the U.S. District Court order; and further:
5. It is this Court's Report and Recommendation that Count 11 of the Adversary Complaint be stayed pending final resolution of the applicable state court action, and that within

seven days of the final resolution of the applicable state court action, the Plaintiff shall file a status report with this court stating the disposition of that action and requesting relief from this order with respect to Count 11 as appropriate; and further

6. Attached hereto is a recommended form of an order for consideration and entry by the U.S. District adopting this Court's Report and Recommendation

END OF ORDER